

**Philadelphia Bar Association  
Board of Governors Meeting  
February 28, 2019**

The meeting was called to order by Chair Racine at 4:01pm.

Chancellor Fedullo presented a distinguished guest, Harshad D. Brahmhatt, member of the Supreme court of India and Highcourt of Gujarat Lawyer. He is also an Election officer for the Gujarat Bar Association, a Notary Public for the Government of Gujarat. In addition, he is the ex-Public Prosecutor, Gujarat state and the ex-Treasurer of the Gujarat Bar Association. He is a colleague of Michael van der Veen, who brought him as his guest. He thanked the Board for welcoming him.

The minutes from the January 29, 2019 meeting were considered. A motion to approve both sets of minutes was made and seconded and passed unanimously.

Treasurer Marc Zucker reported on monthly financial results for December 2018 and January 2019, as well as preliminary financial results for year-end 2018. He provided an overview of the financial statements that are disseminated before each meeting and then summarized the results for each of the three foregoing periods, comparing them not only to the amounts budgeted, but also to equivalent periods from the prior year. He encouraged Board members to review the financials carefully in advance of each Board meeting and raise any questions that they may have. For the month of December 2018, revenues were \$229,247—well in excess of the budgeted amounts but below the revenues from December of 2017. Expenses were \$448,846, at a savings of \$132,748 compared to the amount budgeted.

For calendar year 2018, revenues were \$273,069 below the amount budgeted, and \$382,447 less than the prior year, mainly due to lower-than-expected sponsorship, dues and LRIS revenue. On the expense side, however, expenses for the year were \$271,502 lower than the amount budgeted, and \$118,429 less than the prior year. As a net result, the reduced expenses offset the decrease in revenue and allowed us to stay more or less within budget. The 2018 financials reflect a one-time expense of \$126,000 arising from the write-off of obsolete IT infrastructure. They also reflect the receipt of \$147,000 in proceeds from the painting auction. The website is showing signs of instability, and that has required additional expense as we prepare to move onto a different platform. Treasurer Zucker also noted that the stock market decline last year resulted in a reduction of the association's investments.

The news for January is strong, with revenues up \$131,792 more than January of 2018, and \$127,351 better than had been budgeted, due in part to early payment of dues. Likewise, expenses were down by \$32,136 compared to January of last year, and \$24,198 better than we had budgeted, due in part to Chancellor Fedullo's decision to hold the retreat at the Bar Association headquarters. Treasurer Zucker cautioned that although the overall picture is positive for the month of January, it is too early to predict how the year will evolve, and it is critical that we continue to grow revenue and cut expenses.

A motion to approve the treasurer's report was made, seconded and carried unanimously.

ABA Delegate Butler B. Buchanan, III presented a report from the ABA House of Delegates Mid-year meeting in Las Vegas. The meeting was focused on the trends in finances, which is worse there than here. Membership in the ABA continues to dwindle and the age of the ABA members is mostly 50-65 years old, which does not bear well for the future. They are in the process of reducing the number of price points from 157 different price points to five. Everyone will get a reduction in dues and increased benefits and law students will be free. They have been forced to go into their reserves for the past five years Delegate Buchanan has served as our representative in the ABA House, and they had a \$9.9million deficit for the last year. For FY2020 (starting August 1) they anticipate a decline in revenues of \$8.6 million and plan to reduce expenses by \$6.2million.

In the ABA governance, committees and sections raise resolutions, which are first presented to other committees and sections and the resolutions are vetted and hopefully issues are worked out before presented to the House of Delegates. Resolution 105 was presented by the Committee on Legal Education. This was first presented a year ago, and was now revisited. The resolution sought support for the concept that 75% of the people who graduated law school and took the bar exam must pass the bar within two years, or the school might be in danger of losing accreditation. This was presented last year, and there were issues presented including diversity and other issues raised by the deans of law schools of all tiers. The same issues that were raised at the meeting a year ago were renewed again. This resolution was waived onto the agenda at the last minute. Many delegates were willing to look at the requirements for accreditation, but this was not seen as a valid criteria for accreditation. Part of the issue is that some bar exams have much lower passage rates including CA and DE, but that doesn't mean the law schools there are not worthy of accreditation.

The Standing Committee on Gun Violence had four or five resolutions that passed. The ABA consists of members from throughout the country. Each one of the resolutions passed easily. The most significant resolution was one opposing laws that would authorize teachers, guidance counselors and principals to carry guns. This passed easily and there was very little opposition.

There was also a resolution from the Commission on Sexual Orientation and Gender Identity encouraging Congress to pass the Federal Equality Act, HR 2282, which would affirm protection for non-discrimination laws. Specifically, the resolution suggested the 115<sup>th</sup> Congress pass HR 2282 or similar legislation which explicitly affirms that: (1) discrimination because of sexual orientation or gender identity is sex discrimination prohibited by the Civil Rights Act of 1964 and certain other federal statutes; and (2) federal statutory protections for religious freedom do not authorize violation of nondiscrimination laws, and affirms that religiously neutral laws of general applicability prohibiting discrimination based on sexual orientation or gender identity do not improperly burden the religious free exercise rights of those operating places of public accommodation. This passed resoundingly.

There were challenges to some resolutions and those were tabled for the August Annual meeting, which generally has more contentious issues. Mr. Buchanan also pointed out that the ABA pays for the flight, and the delegates' firms reimburse the remaining expenses. The Philadelphia Bar Association does not pay for our delegates to attend these meetings.

State Civil Litigation Section Co-Chair Michael T. van der Veen presented a Resolution Approving the Submission of Comments to the Supreme Court of Pennsylvania Committee on Rules of Evidence Supporting the Adoption of Proposed Rules of Evidence 902(13) and 902(14). The section had a special meeting, because the Supreme Court Rules Committee asked for comments on three proposed rules (the third was on a venue issue, which was tabled for the time being since consensus could not be reached). The two proposed rules were unanimously supported by the thirty lawyers from both the plaintiff and defense bar and 8 members of the bench who attended the meeting. This resolution would bring PA Rules of Evidence into conformity with the Federal Rules of Evidence and modernizes and streamlines the practice of law. Rule 902(13) establishes a procedure by which records generated by an electronic process or system that produces an accurate result may be authenticated by use of a certification rather than through the live testimony of a foundation witness. Rule 902(14) establishes a procedure by which data copied from an electronic device, storage medium or file may be authenticated by use of a certification rather than through the live testimony of a foundation witness. The resolution would authorize the Chancellor to notify the Supreme Court Rules Committee that the Bar Association supports these proposed rules. We contacted the Supreme Court and they granted an extension of the deadline to provide comments until tomorrow to provide comments in light of this meeting. There was a motion to support the resolution, which was seconded. The motion unanimously was adopted. A copy of the resolution can be found [here](#).

Federal Courts Committee Co-chair Kathleen Wilkinson presented a Resolution Supporting Adequate Funding of the Federal Judicial System. We should speak out in favor of adequate funding, because those waiting for access to justice during the government shutdown are not as evident to the public as cuts to other areas of federal funding. However, there was an impact. During the most recent thirty-five day federal government shutdown, courts, U.S. Attorney's offices and Federal Defenders were delaying new hires, cutting travel unrelated to cases, asking employees not to report to work, expecting to only be able to pay employees for a limited period of time, and were deferring some contracts; and federal courts were being asked to delay cases involving the government due to the government shutdown affecting the ability of government lawyers to perform their duties and meet deadlines. Additionally, courtrooms operated without US Marshalls and morale was adversely affected.

The Federal Courts committee discussed these issues and concerns at its first meeting, and at the time the government shutdown was ongoing. They discussed this resolution, which was to be presented at the last meeting and determined that although the shutdown was resolved, but the concerns remain. We need the Philadelphia Bar Association to educate the public about the impact of the shutdown on the courts and that the courts are a co-equal branch of government with constitutional duties that cannot be interfered with. Both the Third Circuit and the Eastern District of Pennsylvania courts did face staff cuts, affected by the long shutdown. We anticipate future shutdowns and we need to speak out to raise awareness so there is a continuous level of funding to carry out the mission of the courts, which is Constitutional in nature to timely carry out justice to all. If the courts are not properly funded, this will be jeopardized by another shutdown. Any dispute between the legislative and executive branch should not impact the funding of the judicial branch. This is necessary to ensure access to justice so the public can

utilize the courts. The resolution provides that the Philadelphia Bar Association urges full and adequate court funding be provided on a continuous and uninterrupted basis, and at all times in the future, for the federal judicial system, so that all individuals, as well as business and other organizations, have access to justice by assuring that the federal judicial system, including the federal courts, have the funding necessary to permit them to remain open and perform their constitutional functions and duties effectively and efficiently.

The Federal Courts Committee recently hosted Chief Judge Sanchez for a CLE and he was asked about the impact of the shutdown on the functioning of the courts and he indicated he wanted to work with Bar Associations to support the courts. Chancellor Fedullo suggested revisions to the third Whereas clause citing to Article III of the US Constitution. This friendly amendment was accepted by Ms. Wilkinson. The version that was proposed includes friendly amendments by former Chancellor Beaser and Chancellor Fedullo. There was a motion to support the resolution. This was seconded and the resolution passed unanimously. A copy of the resolution is attached [here](#).

Assistant Treasurer Olesh presented on the outreach efforts of the Judicial Commission. Two years ago, the Association undertook an effort to promote judicial ratings to voters at polling locations. The goal of those efforts was twofold: to test the hypothesis that if voters had the Judicial Commission recommendations it would make a difference in the results of the election and measure the effectiveness and to spread awareness of the Commission's purpose and methods. The result of that effort was successful, and there was increased awareness of the Commission and there was improved results with regard to election outcomes consistent with the ratings of the Commission at the polling locations where there were volunteers distributing the information.

The Commission is trying to build from those efforts, because we know that dissemination of the ratings to voters works. The Commission is reaching out to wards and organizations that endorse candidates to educate them as to what the Commission does and ask that they consider not endorsing candidates that are not recommended by the Commission. This will reduce the work that needs to be done on election day, because there will be other organizations disseminating information and those candidates would only be recommended or highly recommended candidates. There will also be an election day effort to get the information into the hands of the voters as to the candidates who are recommended. Assistant Treasurer Olesh asked the Board to advise him if they have contacts with ward leaders and leaders of organizations that provide endorsements and make an introduction. These efforts are non-partisan so party affiliation of the group is irrelevant.

Assistant Treasurer Olesh and Board Vice Chair Nick Kamau will work to coordinate election day efforts and they asked the Board to volunteer on election day for these efforts, which several people did. Volunteers will be disseminated throughout the City to maximize impact, but will not be as targeted as the last round. Chancellor Fedullo thanked Assistant Treasurer Olesh for his efforts, as they are all motivated by him. He is the Vice Chair of the Campaign for Qualified Judges, which is the Association's PAC and the Board may be asked to financially contribute to the PAC as well. Everyone with whom he has spoken to date has been

receptive and have been impressed by the level of investigation that is performed on each candidate.

Executive Director Hurdle presented his report on the two month anniversary of his joining the Association. Externally, he is working to build partnerships. He is working with Community Legal Services to coordinate lobbying efforts around the Stoudt report. He attended the Pennsylvania Bar Association's Conference of County Bar Leaders and had the opportunity to speak with leaders from Montgomery, Delaware and Allegheny County about opportunities for partnership, especially in the area of CLE, because PBI is being folded into the PBA. He met with Drexel Law to thank them for their 100% participation with the Association. He also met with Lavender Law, whose national conference is coming to Philadelphia this year, to discuss opportunities for partnership around that event. He is also working to develop sponsorships. He has met three times with USI to develop new marketing strategies. The Association's contract expires at the end of this year so we want to be in a good position to negotiate. FY2018 fourth quarter was the best quarter in the past three years. He also met with ALM, our publisher to include them in our sponsorship packages, since they are not selling all of the ad space they have available. He also met with BPU, who provides pension services, and they have a new product so the Association can provide a new member benefit. ED Hurdle is working to develop the best marketing strategy for that potential member benefit, because the Association gets a percentage of every fee they collect. He also met with Cornerstone, Law Pay and Key Bank and they are working on closing deals with those entities along with Director of Meetings and Special Events, Tracy McCloskey.

Internally, he has focused on improving the "feel" of the office. These are small changes, including brighter lightbulbs in the entryway. He convinced the City to paint the conference room on the 11<sup>th</sup> floor. He is beginning renovation discussions, but Jefferson got first access to the freight elevators when they took over the Aramark space, so our renovations will be on hold until those are complete and we can have access to the freight elevators. The staff offices will all be housed on the 10<sup>th</sup> floor after the renovation and there will be a state of the art conference center and meeting rooms on the 11<sup>th</sup> floor. The Association will need to raise money for some of the soft costs, but facility renovations are paid through the rental agreement. On April 1 the staff is having a spring cleaning and purge.

From a financial perspective, the Association had a good January, and he views the financial report as the end game. Staff members are aware of the numbers they need to have success and make profits on the services offered such as CLE seats filled or LRIS panel members. ED Hurdle gets daily reports on membership numbers and comparisons to prior years, so there are no surprises in the financials at the month's end.

IT is one of the biggest challenges, because the systems we have to process data are inadequate and need to be addressed. To improve member services the staff have eliminated duplicates of emails when a member is part of several sections and committees. There have been some preliminary discussions about website development, because the website is not stable and they have done some testing before big Association-wide membership emails are released. There have also been preliminary discussions about an entire website overhaul.

There has also been significant work on team building. There are monthly staff meetings where good and welfare is discussed. There are weekly senior team meetings where goals are set for each member of the senior staff for quarterly, biannual and yearly measurements and the Board will see these results in quarterly written reports that ED Hurdle will provide.

ED Hurdle reported that although there are changes, the daily activities of the Association continue. There have been over 4000 calls to LRIS this year so far. Director of Public and Legal Services Charlie Klitsch has been working with Brooklyn, NYC and San Francisco Bar Associations to develop a new software and new website for 24 hour LRIS access. This will be initiated in April. There are approximately 40 judicial candidates and 140 volunteer Judicial Evaluation Commission members and investigators. They are working to ensure all of the evaluations are completed in time to disseminate the information effectively. There have been 23 CLEs in January and February and there is a Chancellor's forum on March 11, timed right after the Mayor's budget, and right before the City Council budget. We hired PR firm, Luna Eisenla, to raise the Association's profile and they have already scheduled Chancellor Fedullo for two big interviews. They developed the "Did You Know" campaign to publicize the history of the Bar Association. We have the new YLDetails, which replaced the Ezine.

Chancellor Fedullo thanked everyone, especially the staff, for the work that has been reported. Yesterday was the Mentoring and Professional Development Initiative kickoff event, which is important to Chancellor Fedullo. She thanked the co-chairs Regina Foley and Nicole Gally. It is a great member benefit that we can provide for free and the idea is that lawyers are helping other lawyers. She is hoping that many Board members agree to be a mentor, because it is so critically important to the practice of law. The upcoming Chancellor's Forum is around the Stoudt Report, which is a product of the Civil Gideon and Access to Justice Task Force, which is critically important. The primary finding is that if the City invests \$3.5 million dollars to provide counsel to citizens facing eviction it will save costs of \$43 million for supporting those people when they are evicted. Chancellor Fedullo expressed concern and sympathy for those facing eviction, she is excited to highlight the report. Rhonda Hill Wilson invited her to be on her radio show where she can tout LRIS. She thanked the Board for their energy and commitment.

Chair Racine introduced Kris Calalang, Chair of the Family Law Section to present an idea she had resulting from the Bar Leaders' Retreat. As a result of information learned at the retreat, she started an outreach committee of the Section to help the families of Philadelphia who are often the clients of section members and they need assistance. The committee identified a domestic violence shelter, Families Forward, which is an interesting shelter, because they keep families together even when the sons approach adulthood. The committee inquired of the shelter to determine the greatest need and they indicated they need blankets and pillows. This helps with transition. Consequently, the Section is holding a blanket and pillow drive from March 4 – May 6. There are delivery addresses noted where they can be sent and they can be ordered through Amazon and sent directly to the addresses. They will also be collected at the Bar Association offices. Sections were challenged with a competition to see who collects the most. Online receipts can be sent to the section leadership for inclusion and credit for the section in the competition. Jennifer Seme indicated this is a shelter that HAP works with and suggested that they coordinate with HAP.

Chair Racine presented follow up to the Bar Leaders' Retreat Commitments. She reminded the Board to renew their membership, if they have not yet done so, and the earlier the better, so ask your firms to make their payments. The good news is that as of today 87% have completed payment to sponsor their law student. We have sponsored 150 law students and with pledges today the number will climb to 209 within two weeks. This has raised \$3000, which will be counted toward the Board's \$20,000 annual contribution to the Association pursuant to the budget. These efforts are being noticed by other leaders of the bar, and 27 additional law students have been sponsored by non-board members. A thank you note from a Temple student was read. YLD Chair Michaela Tassinari indicated that at the YLD Happy Hour several people indicated they were sponsored law students.

The bad news reported is that as of today only 13 of 55 Board members have sent Tracey McCloskey proposed vendors for sponsorships, and this was also supposed to be at 100% compliance as of today's meeting. Chair Racine encouraged Board members to comply with this commitment, because at this point the efforts are just to compile information. Chair Racine provided a spread sheet of each Board member's commitment and she encouraged Board members to ensure they are accurate. She will be working with various staff members to track the results of the commitments made.

Chair Racine indicated there was an effort to better track Resolutions to help raise the profile of the Bar Association in the community. To that end, one of the Resolutions the Board passed in 2016 encouraging the Supreme Court and Board of Law Examiners to welcome qualified candidates to the Pennsylvania Bar regardless of immigration status. Earlier this month, admissions rules were changed to give those with DACA status admission to the bar. The ACLU was instrumental in bringing about this change. The Bar Association was recognized in a lot of social media posts about this change for its work and early support and recognition of this initiative. The Association put out a press release as well.

Chair Racine announced that events will now be emailed to Board members, instead of being listed on the back of agendas to assist with promotion of attendance and sharing information related to events. Tonight is the HBA La Justicia Award. On March 16 is the SeniorLAW Center Gala honoring Senator Casey and Judge Woods-Skipper.

There being no further business, the meeting was adjourned at 5:13pm.

Respectfully submitted,  
Jennifer S. Coatsworth  
Secretary

**Board of Governors Attendance  
February 28, 2019**

**Voting members present**

Rochelle Fedullo  
Hon. A. Michael Snyder (Ret.)  
Lauren McKenna  
Jennifer Coatsworth  
Ira Lefton  
Marc Zucker  
Matthew Olesh  
Amber Racine  
Nicholas Kamau  
Katayun Jaffari  
Hon. Sandra Mazer Moss (Ret.)  
Maureen Olives  
Jennifer Seme  
Alisha Rodriguez  
Michael van der Veen

Dominique Ward  
James Berardinelli  
Diane Penneys Edelman  
Lawrence Felzer  
P. Douglas Sisk  
Neelima Vanguri  
Michaella Tassinari  
Leon Goodman  
Kris Calalang  
Maureen Farrell  
Alexander Barth  
Cheryl Upham  
Mark Mazzanti  
Mary Platt  
Reginald Shuford

**Absent:**

Susan Lin  
Neil Maskeri  
Benjamin Barnett  
Meghan Claiborne  
Francesca Iacovangelo  
Dino Privitera

Riley Ross  
Hillary Ladov  
Marcel Pratt  
Brenda Marrero  
Erin Siciliano

**Non-voting members present:**

Leslie John  
Butler Buchanan

Wesley Payne  
Harvey Hurdle

**Absent:**

Lawrence Beaser

Abraham Reich

**Invited guests present:**

Mark Aronchick  
Priscilla Jimenez

Louis Rulli  
Jacqueline Segal

